IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 19746 of 2007(A)

AGAINST THE ORDER IN EP 2291 2004 IN OS.3135/2002 of II ADDL.M.C.,THRISSUR

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PETITIONER:

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1. ABDUL KADER,S/O.LATE PAPPARAVU R.,
   REJU HOUSE,SUBHASH NAGAR,CHIYYARAM,
   M/S.PAPPA COMMUNICATIONS,BELL MOUTH JUNCTION,
   KURUPPAM ROAD, THRISSUR.

2. T.K.SEBASTIAN,S/O.KURIYAN,
   THOTTUNGAL HOUSE,PANAMUCK,KANIMANGALAM,
   NEDUPUZHA,THRISSUR TALUK,THRISSUR DISTRICT.

3. P.M.,HAMEED,S/O.MOHAMMED ALI,
   PUTHENVEETTIL HOUSE,KRISHNAPURAM,
   OLLUKKARA, THRISSUR DISTRICT.

4. R.A.FESSILBABU,S/O.R.P.ABDUL KADER,
   REJU HOUSE,SUBHASH NAGAR,CHIYYARAM,
   THRISSUR DISTRICT.

BY ADV. SRI.JIJO PAUL

RESPONDENTS:

PERINGOTTUKARA NAMBOODIRI
YOGAKSHEMA SABHA ANTHIKKAD,
THRISSUR DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN,J

W.P.(C) NO.19746 of 2007

Dated this the 27th day of June, 2007

JUDGMENT

This writ petition is preferred against the order in E.P.2291/2004 pending before the IInd Additional Munsiff's Court, Thrissur. The decree is for realisation of the amount and E.P. is filed for a direction to the judgment debtors to pay the amount and in the event of failure to arrest him and detain in civil prison. PW1 tendered evidence and the court was satisfied that the judgment debtors, having means to pay, are refusing to pay and therefore ordered arrest. Now the learned counsel submits that after the filing of the execution petition, an amount of Rs.28,000/= has been paid and if some time is given he will pay off the entire amount to the satisfaction of the decree. I am inclined to grant some time for paying the amount and therefore the writ petition is disposed of as follows:

The writ petitioners are directed to pay the balance amount

in four monthly equal instalments and the first instalment is due to commence from 27th day of July 2007. If the judgment debtors commit default of payment of any one of the instalment, the decree holder is at liberty to request the court to execute the warrant of arrest for realisation of the decree amount. The warrant already issued will remain suspended for the said period.

The writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

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